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09/050,796	(03/30/1998	MICHAEL SUTTON	16529-2-2US	7265	
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PATTON I	BOGGS L	LP.	LEE, RICHARD J			
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/050,796	SUTTON, MICHAEL	
Office Action Summary	Examiner	Art Unit	
•	Richard Lee	2613	
The MAILING DATE of this communicate Period for Reply	ion appears on the cover sheet v	vith the correspondence address	
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICA: - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communica: - If the period for reply specified above is less than thirty (30) da: - If NO period for reply is specified above, the maximum statutor: - Failure to reply within the set or extended period for reply will, Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	TION. CFR 1.136(a). In no event, however, may a ation. ys, a reply within the statutory minimum of the y period will apply and will expire SIX (6) MC by statute, cause the application to become A	reply be timely filed irreply be timely. Irreply for mailing date of this communication. ABANDONED (35 U.S.C. § 133).	
Status		Ĵ	
 1) ⊠ Responsive to communication(s) filed o 2a) ⊠ This action is FINAL. 2b)[3) ☐ Since this application is in condition for closed in accordance with the practice of 	☐ This action is non-final. allowance except for formal ma		
Disposition of Claims			
4) ⊠ Claim(s) <u>1-3,5,7-10,12-14,16-18 and 20</u> 4a) Of the above claim(s) <u>23-29</u> is/are w 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1-3,5,7-10,12-14,16-18 and 20</u> 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction	ithdrawn from consideration. 0-22 is/are rejected.	ation.	
Application Papers			
9) The specification is objected to by the Entropy The drawing(s) filed on is/are: a) Applicant may not request that any objection Replacement drawing sheet(s) including the 11) The oath or declaration is objected to by	accepted or b) objected to not the drawing (s) be held in abeyor correction is required if the drawing	ance. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for a) All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International * See the attached detailed Office action for	cuments have been received. cuments have been received in he priority documents have bee Bureau (PCT Rule 17.2(a)).	Application No In received in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-3) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date	948) Paper N	v Summary (PTO-413) o(s)/Mail Date f Informal Patent Application (PTO-152) 	

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- 1. It is noted that the presentation of new claims 21-23 and 25-28 for examination as shown at pages 7-8 of the amendment filed June 10, 2004 is not in compliance with 37 CFR 1.126. Since claims 21 and 22 were previously presented from the amendment filed January 16, 2002, newly submitted claims 21-23 and 25-28 from the amendment filed June 10, 2004 should have been renumbered as claims 23-29, respectively. For purposes of examination, the Examiner will make reference to claims 21-23 and 25-28 as submitted from the amendment filed June 10, 2004 as claims 23-29, respectively. And since there are no specific formal instructions from the amendment filed June 10, 2004 to cancel claims 21 and 22, the Examiner will therefore treat claims 21 and 22 as pending and as presented from the amendment filed January 16, 2002. In summary, claims 1-3, 5, 7-10, 12-14, 16-18, and 20-29 are pending.
- 2. It is noted that claim 1 as presented at page 2 of the amendment filed June 10, 2004 lacks the required bracketing for deleting the limitation "wherein said beam of light is capable of remaining on during operation of the imager" from previously presented claim 1. Similarly, claim 5 as presented at page 3 of the amendment filed June 10, 2004 lacks the required bracketing(s) and underlining(s) as changed from previously presented claim 5. Even though claim 5 has been amended from original presentation, claim 5 as shown at page 3 of the amendment filed June 10, 2004 is listed as original. For examination purposes, the Examiner will treat claims 1 and 5 as presented in the amendment filed June 10, 2004. Due to the amount of claims presented and complexity of the claims, it would be difficult for the Examiner to properly examine the claims without the required bracketing(s) and underlining(s) showing the desired changes(s) to the claim(s). The applicant is therefore urged in the future to carefully review any intended change(s) to the claim(s) and make sure to provide the required

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bracketing(s) and underlining(s) for such change(s) before submitting the amendments to the Office.

3. Newly submitted claims 23-29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The particular features of "A security apparatus comprising a baton, constructed and arranged for striking a person, having a gripping area and having a structure for supporting a light source and a structure for supporting a video camera, a switchable light source attached to said structure for supporting a video camera" as claimed in claim 23; and "In a security baton, an improvement comprising a video camera" as claimed in claim 26, respectively, are directed to an invention that is independent and distinct from the invention originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4. Claims 5 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

- (1) claim 5, line 1, "said flashlight" shows no clear antecedent basis;
- (2) claim 5, lines 2-3, "said video camera" shows no clear antecedent basis; and
- (3) claim 17, lines 1-2, "said handled light source" shows no clear antecedent basis.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-3, 5, 7-9, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camras of record (3,984,625) in view of Takahashi et al of record (5,305,033) and Yamada et al (5,073,823).

Camras discloses a portable video recording system employing camera and recording stations connected by a wireless link as shown in Figures 1 and 2, and substantially the same security system as claimed in claims 1-3, 5, 7-9, 20, and 21, comprising substantially the same imager (260 of Figure 1), for converting a first image received along the optical axis into an electronic image, a transmitter (i.e., via 250 of Figure 1), coupled to the imager, for broadcasting the electronic image as a broadcast image, and a power cell (see column 2, lines 17-22), coupled to the imager and to the transmitter, for providing operating power; a remote unit (see Figure 1), consists essentially of the recorder (i.e., 270 of Figure 1) and including a receiver (i.e., 251 of Figure 1) for receiving the broadcast image and converting it back to the electronic image, and at least one of a monitor (252 of Figure 1) coupled to the receiver for displaying the electronic image as the first image and a recorder (270 of Figure 1), coupled to the receiver, for recording the electronic image in a format suitable for recovery of the first image at a later time; the remote unit is installed in a vehicle (see column 2, lines 28-32), and the recorder is installed in a locked compartment of the passenger vehicle (i.e., within the locked automobile, see column 2, lines 28-32); the handheld light source further includes a microphone (265 of Figure 1), coupled to the transmitter, for converting sounds from a region near the light source into audio signals, wherein the transmitter broadcasts the audio signals as audio data and wherein the receiver converts the

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audio data into audio signals and wherein the monitor (252 of Figure 1) audibilizes the audio signals concurrent with display of the electronic image, wherein the transmitter is constructed and arranged to combine the audio signal and the electronic image into a combined signal and to broadcast the combined signal in place of the broadcast image, wherein the receiver is constructed and arranged to receive the combined signal and converting it back to the audio signal and the electronic signal (see Figures 1 and 2 and columns 2-3).

Camras does not particularly disclose, though, the followings:

- (a) a handheld light source for selectively emitting a beam of light, wherein the imager has an optical axis collinear to the beam of light and generally along the beam of light, a portable light source, and wherein the handheld light source is constructed and arranged to concurrently generate the beam of light, convert the first image into an electronic image, and broadcast the electronic image as a broadcast image as claimed in claims 1 and 22; and
- (b) the flashlight includes an on/off switch and is operable independently of the video imager as claimed in claim 5.

Regarding (a) and (b), Takahashi et al discloses a combination camera and flashlight as shown in Figure 1 and teaches the conventional handheld light source (i.e., flashlight 1 of Figure 1) that is portable and for selectively emitting a beam of light, wherein the imager has an optical axis collinear to the beam of light and generally along the beam of light (i.e., the imager 20 of Figure 2 has an optical axis that is collinear to and generally along the beam of light generated by 12 of Figure 2), as well as the particular on/off switch (26 of Figure 1) for the flashlight and which is operable independently of the video camera (see column 3, lines 46-64). It is noted that Takahashi et al teaches the particular feature of automatically turning off the light bulb, i.e. beam of light from the light source, when the camera is activated (see column 1, lines 47-61). Takahashi et al teaches that such automatic feature however is an improvement over the old camera/flashlight system wherein the light from the illumination bulb remains on when the

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camera is activated thereby washing out the picture and detracting from the overall quality of the picture (see column 1, lines 25-38 and column 4, lines 55-68). Hence, it is considered obvious that the illumination bulb 12 of Takahashi et al may certainly remain on when the camera is activated if the quality of pictures were of no concern thereby providing substantially the same if not the same handheld light source being is constructed and arranged to concurrently generate the beam of light, convert the first image into an electronic image, and broadcast the electronic image as a broadcast image as claimed. The concurrent operation of a light source with a video camera in general is however old and well recognized in the art, as exemplified by Yamada et al (see Figures 1 and 2, and column 3, lines 34-39, column 4, lines 48-54, column 5, lines 37-47). It is therefore considered obvious to provide the video camera and light source system of Yamada et al in place of the photographic camera system of Takahashi et al to thereby provide the handheld light source being constructed and arranged to concurrently generate the beam of light, convert the first image into an electronic image, and broadcast the electronic image as a broadcast image as claimed. Therefore, it would have been obvious to one of ordinary skill in the art, having the Camras, Takahashi et al, and Yamada et al references in front of him/her and the general knowledge of on/off switches in camera systems, would have had no difficulty in providing the combination video camera and flashlight system wherein on/off switches for both the light source and imager are being operated independently of each other in view of the teachings of Yamada et al and Takahashi et al for the simple camera system as shown in Figure 1 of Camras for the same well known flashlight/video camera combination operations as claimed.

7. Claims 10 and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Camras, Takahashi et al, and Yamada et al as applied to claims 1-3, 5, 7-9, 20, 22 in the above paragraph (6), and further in view of Walling of record (4,802,008).

The combination of Camras, Takahashi et al, and Yamada et al discloses substantially the same security system as above, but does not particularly disclose the rebroadcasting of the

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broadcast image and the audio data to other receivers by use of a repeater coupled to the receiver, a second remote unit having a second receiver, wherein the transmitter broadcasts the broadcast image at a first frequency and wherein the remote unit includes a repeater coupled to the receiver capable of rebroadcasting the broadcast image at a second frequency to the second receiver in the second remote unit, the second frequency being different from the first frequency as claimed in claims 10 and 18. The particular use of repeaters for rebroadcasting video and audio signals to other receivers, in general, is old and well recognized in the art. For example, Walling discloses a satellite communications system for medical related images as shown in Figure 1A, and teaches the particular communications via RF transmissions of any number of trucks with the central headquarters or to other trucks from any given location throughout the world (see column 3, lines 6-20) and the particular use of repeaters for translating the transmitted signal into a different frequency and then sending it to the receiver at the central headquarters (see column 5, lines 50-65). As such, it is considered obvious to provide the broadcasting of an image at a first frequency and using a repeater coupled to a receiver for rebroadcasting the broadcast image at a second frequency to a second receiver, wherein the second frequency is different from the first frequency as claimed in view of the teachings of Walling. Therefore, it would have been obvious to one of ordinary skill in the art, having the Camras, Takahashi et al, Yamada et al, and Walling references in front of him/her and the general knowledge of video and audio wireless transmission systems, would have had no difficulty in providing a repeater for translating transmitted signals to other receiving location(s) as taught by Walling as part of the receiver as shown in Figure 1 of Camras for the same well known benefits of providing the same transmitted video and audio signals to other receiving stations, such as police cars, so that such similar video and audio information may be viewed and shared by those interested for the same well known purposes as claimed.

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8. Claims 12 and 13 are rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Camras, Takahashi et al, Yamada et al as applied to claims 1-3, 5, 7-9, 20, and 22 in the above paragraph (6), and further in view of Saitoh of record (4,777,526).

The combination of Camras, Takahashi et al, and Yamada et al discloses substantially the same security system as above, further including the flashlight including an integrated wireless video camera and a microphone coupled to a transmitter, each flashlight constructed to emit a beam of light concurrent with the integrated wireless video detecting an image along an optical axis oriented generally along the beam of light, broadcasting a series of real-time images with accompanying audio signals from at least one of the flashlights, the series of real time images is captured by the integrated wireless video camera concurrent with the emitting of the beam of light, receiving the series of real time images and audio signals at a receiver operated at a remote location wherein a team member of the security officers is located, and capturing the series of real time images by selected at least one of (a) displaying to the team member the series of real time images by use of a monitor coupled to the receiver, and audibilizing the audio signals to the team member while displaying the selected one of the series of real time images, and (b) recording by use of a recorded coupled to the receiver, the series of real time images in a format for later recovery and display by the team member (i.e., as provided in the combination of Camras, Takahashi et al, and Yamada et al).

The combination of Camras, Takahashi et al, and Yamada et al does not particularly disclose, though, equipping at least two of a team of securing officers with a flashlight, broadcasting a series of real-time images with accompanying audio signals, from each of a plurality of handheld flashlights as claimed in claims 12 and 13. However, Saitoh et al discloses a securing monitor system as shown in Figure 1 which includes a plurality of cameras (4a-4d) being used for monitoring desired areas of interest (see column 4, lines 6-56). And, it is consider obvious to provide the camera and flashlight combination system as shown in Takahashi et al in

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place of each of the generic cameras of Saitoh et al, thereby providing a plurality of camera/flashlight systems wherein at least two of a team of securing officers may be equipped with a flashlight and wherein a series of real time images with accompanying audio signals may be broadcasted from each of a plurality of handheld flashlights. Therefore, it would have been obvious to one of ordinary skill in the art, having the Camras, Takahashi et al, Yamada et al, and Saitoh et al references in front of him/her and the general knowledge of camera system configurations, would have had no difficulty in providing the combination camera and flashlight as shown in the combination of Saitoh et al and Takahashi et al in place of each of the plural cameras of Saitoh et al for the same well known multiple camera surveillance monitoring purposes as claimed.

9. Claim 14 is rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Camras, Takahashi et al, Yamada et al, and Saitoh et al as applied to claims 1-3, 5, 7-9, 12, 13, 20, 22 in the above paragraphs (6) and (8), and further in view of Walling of record (4,802,008).

The combination of Camras, Takahashi et al, Yamada et al, and Saitoh et al discloses substantially the same security system as above, but does not particularly disclose the rebroadcasting of the series of real time images and audio signals by use of a repeater coupled to the receiver; receiving the rebroadcast series of real-time images and audio signals by use of a second receiver operated at a second remote location wherein a second team member of the team of security officers is located; and displaying to the second team member the series of real-time images by use of a second monitor coupled to the second receiver as claimed in claim 14. The particular use of repeaters for rebroadcasting video and audio signals to other receivers, in general, is old and well recognized in the art. For example, Walling discloses a satellite communications system for medical related images as shown in Figure 1A, and teaches the particular communications via RF transmissions of any number of trucks with the central headquarters or to other trucks from any given location throughout the world (see column 3, lines

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6-20) and the particular use of repeaters for translating the transmitted signal into a different frequency and then sending it to the central headquarters (see column 5, lines 50-65). Further, the Examiner takes Official Notice that the particular use of a second remote location with a second monitor within a security system is old and well recognized in the art. Therefore, it would have been obvious to one of ordinary skill in the art, having the Camras, Takahashi et al, Yamada et al, Saitoh et al, and Walling references in front of him/her and the general knowledge of video and audio wireless transmission systems, would have had no difficulty in providing a repeater for translating transmitted signals to other receiving location(s) as taught by Walling as part of the receiver as shown in Figure 1 of Camras for the same well known benefits of providing the same transmitted video and audio signals to other receiving stations, such as police cars, so that such similar video and audio information may be viewed and shared by those interested for the same well known purposes as claimed.

10. Claim 16 is rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Camras, Takahashi et al, and Yamada et al as applied to claims 1-3, 5, 7-9, 20, and 22 in the above paragraph (6), and further in view of Teetzel of record (5,584,137).

The combination of Camras, Takahashi et al, and Yamada et al discloses substantially the same security system as above, but does not particularly disclose wherein the handheld light source further includes a laser pointer constructed and arranged to emit a laser beam oriented along a field of view of the imager and wherein the laser pointer is constructed and arranged to operate independently of the imager and the handheld light source as claimed in claim 16. However, Teetzel discloses a modular laser apparatus as shown in Figures 1 and 2, and teaches the conventional use of a laser pointer with a flashlight system (see Figures 1 and 2, and column 4, lines 20-42, column 5, lines 17-45, column 6, lines 36-43). Therefore, it would have been obvious to one of ordinary skill in the art, having the Camras, Takahashi et al, Yamada et al, and Teetzel references in front of him/her and the general knowledge of laser pointer devices with

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combination systems, would have had no difficulty in providing the laser pointer system of Teetzel for the system within the combination of Camras, Takahashi et al, and Yamada et al thereby providing substantially the same if not the same handheld light source including a laser pointer capable of emitting a laser beam oriented along a field of view of the imager and wherein the laser pointer is operable independently of the imager and the light source purposes as claimed.

11. Claim 17 is rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Camras, Takahashi et al, and Yamada et al as applied to claims 1-3, 5, 7-9, 20, and 22 in the above paragraph (6), and further in view of Stanuch et al of record (5,097,397).

The combination of Camras, Takahashi et al, and Yamada et al discloses substantially the same security system as above, but does not particularly disclose wherein the handheld light source further includes an RF shield substantially surrounding at least a portion of the transmitter as claimed in claim 17. The particular RF shielding of electronics thereby reducing noise problems from the transmitter is old and well recognized in the art, as exemplified by Stanuch et al (see column 4, lines 47-64). Therefore, it would have been obvious to one of ordinary skill in the art, having the Camras, Takahashi et al, Yamada et al, and Stanuch et al references in front of him/her and the general knowledge of RF shieldings, would have had no difficulty in providing the RF shielding feature of Stanuch et al as part of the handheld light source and transmitter system within the combination of Camras, Takahashi et al, and Yamada et al for the same well known noise reduction purposes as claimed.

12. Claim 21 is rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Camras, Takahashi et al, and Yamada et al as applied to claims 1-3, 5, 7-9, 20, and 22 in the above paragraph (6), and further in view of Bosshard of record (5,421,460).

The combination of Camras, Takahashi et al, and Yamada et al discloses substantially the same security system as above, but does not particularly disclose wherein the handheld light

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source has a rod-like shape as claimed in claim 21. The particular rod-like shaped housings for light sources and cameras are however old and well recognized in the art, as exemplified by Bosshard (see Figure 1 and column 3, lines 30-51). Therefore, it would have been obvious to one of ordinary skill in the art, having the Camras, Takahashi et al, Yamada et al, and Bosshard references in front of him/her and the general knowledge of housing structures for light sources, would have had no difficulty in providing the rod-like housing structure of Bosshard for the handheld light source within the combination of Camras, Takahashi et al, and Yamada et al for the same well known enclosure of the camera and light source for protection and use purposes as claimed.

The applicant argues at pages 10-12 of the amendment filed June 10, 2004 that the 13. combination of Takahashi and Camras for rejecting the limitations of claim 1 is improper since Takahashi teaches away from the concurrent operation of a light source and an imager for detecting an image on an optical axis along the light beam as claimed. The applicant further challenges the Examiner to provide case law or a citation to a clear provision of the MPEP for such use of the reference Takahashi that clearly teaches that a structure, function, feature or operation is not desirable, as a teaching for modifying any other reference, i.e., Camras, to have that structure, function, feature or operation. Even though Takahashi et al teaches the desire to automatically turn off the light bulb when the camera is activated (see column 1, lines 25-38, column 4, lines 55-68) in order to prevent the wash out of the picture and prevent the deterioration of the picture, and essentially an improvement over the concurrent operation of the light and camera, Takahashi et al also teaches that conventional devices are known to have the concurrent operation of the light and camera for detecting an image on an optical axis along the light beam (see column 1, lines 34-35). In other words, it does not show nonobviousness to provide a less beneficial system within Takahashi et al by activating the light and camera concurrently since such specifics are clearly taught within Takahashi in the prior art (i.e., the

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light can remain on when the picture is being taken, see column 1, lines 34-36). The Examiner therefore does not believe that it is necessary to cite any case law or citation as requested by the applicant for the use of Takahashi et al since there is specific teaching in Takahashi and/or obvious modification within Takahashi in view of prior art teachings. It is further submitted that the claimed limitations are rendered obvious in view of the combination of Camras, Takahashi et al, and Yamada et al for reasons above.

Regarding the applicant's newly submitted claims as pointed out at pages 12-14 of the amendment filed June 10, 2004, see above paragraphs (1) and (3).

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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15. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE") (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

Richard Lee/rl

9/22/04